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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,494	02/04/2002	Brent L. Bucks	A1-1431	3370
27127	7590	02/23/2004		
HARTMAN & HARTMAN, P.C. 552 EAST 700 NORTH VALPARAISO, IN 46383				
			EXAMINER HAMILTON, ISAAC N	
			ART UNIT 3724	PAPER NUMBER 13

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Interview Summary**

Application No.

10/072,494

Applicant(s)

BUCKS, BRENT L. *dh*

Examiner

Isaac N Hamilton

Art Unit

3724

All participants (applicant, applicant's representative, PTO personnel):

(1) Isaac N Hamilton.

(3) Gary M. Hartman.

(2) Allan N. Shoap.

(4) \_\_\_\_\_.

Date of Interview: 02/04/2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: N/A.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*AS*

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Hartman asserts that there were dependent claims with the limitation "forced" and "forcing" which when introduced into the independent claims 1, 12, 21 and 32 do not raise new issues and do not change the scope of the claim as previously stated in Paper No. 12. The Examiner's position in Paper No. 12 states that by removing the limitation "the force being sufficient to push" and adding "forced" and "forcing" changes the scope of the claim. The previous language of "force being sufficient" does not clearly state that the food product is actually being forced to one side of the passage, but merely states that it is sufficient to force it to one side of the passage absent any opposing force. In the Frey et al. reference, the force of the fluid jets are sufficient to force the food product to one side of the passage, however, there is a water jet of equal and opposite force acting on the food product which prevents it from being forced to one side of the passage. The Examiner agrees with the applicant that claims 1 and 21 have dependent claims clearly stating the food product is being forced to one side of the passage in claims 3 and 23, respectively. However, claims 12 and 32 do not have dependent claims clearly stating the product is "forced" or that the jets are "forcing" the product to one side of the passage. These new limitations in claims 12 and 32 change the scope of the claims and raise new issues that would require further consideration .